

Schwegman
Lundberg
Woessner
Kluth

United States Patent Application combined declaration and power of attorney

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: MAINTAINING MEMBERSHIP IN HIGH AVAILABILITY

COMPUTING SYSTEMS

The specification of which was filed on March 16, 2001 as application serial no. 09/811,158.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. §1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Number 60/189,864

Filing Date March 16, 2000

I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Scrial No. 09/811,158 Filing Date: Merch 16, 2001

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Arora, Sancel Reg. No. Beekman, Marvin L. Reg. No. Bianchl, Timothy E. Reg. No. Billion. Richard E. Reg. No. Black. David W. Roy. No. Brennan, Leoniede M. Reg. No. Breman, Thornas F. Reg. No. Breman, Thornas F. Reg. No. Breman, Thornas F. Reg. No. Clark, Barbara J. H. Rog. No. Clark, Barbara J. Reg. No. Clark, Barbara J. Reg. No. Clise, Timothy B. Rog. No. Crisman, Douglas J. Reg. No. Crisman, Douglas J. Reg. No. Drake, Eduardo E. Reg. No. Drake, Eduardo E. Reg. No. Drake, Eduardo E. Reg. No. Fordenbacher, Paul J. Reg. No. Forcera, Bradley A. Reg. No. Ganton, Owen J. Reg. No.	10. 24,916 Gortych, Joseph E. 10. 42,267 Hanck, John L. 10. 38,177 Harris, Robert J. 10. 39,610 Hill, Stanley K. 10. 32,836 Jackson Huebsch, Katharine A. 10. 42,331 Jurkovich, Patri J. 10. 35,832 Kalis, Jans M. 10. 40,925 Kluth, Daniel J. 10. 40,925 Kluth, Daniel J. 10. 38,107 Lacy, Rodney L. 10. 38,107 Lema(ro, Charles A. 10. 40,957 LeMoine, Dana B. 10. 40,957 Lundberg, Steven W. 10. 44,639 Maki, Peter C. 10. 40,594 Malen, Peter L. 10. 39,665 Malen, Febert E. 10. 42,546 McCrackin, Aan M. 10. 42,546 McCrackin, Aan M. 10. 36,143 Nama, Kush 10. 36,530	Reg. No. 36,154 Reg. No. 37,346 Reg. No. 37,548 Règ. No. 47,670 Règ. No. 44,813 Reg. No. 37,650 Reg. No. 40,052 Reg. No. 32,146	Nielsen, Waher W. Padys, Danny J. Parker, J. Kevin Perdok, Monique M. Perer, Andrew R. Peterson, David C.	Reg. No. 28,650 Reg. No. 25,539 Reg. No. 35,635 Reg. No. 33,024 Reg. No. 42,989 Reg. No. 41,246 Reg. No. 47,857 Reg. No. 33,995 Reg. No. 39,422 Reg. No. 38,613 Reg. No. 45,458 Reg. No. 45,458 Reg. No. 45,458 Reg. No. 45,458 Reg. No. 45,458 Reg. No. 31,884 Reg. No. 31,884 Reg. No. 31,884 Reg. No. 37,748 Reg. No. 37,748 Reg. No. 37,748
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I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/ firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have conscuted after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below: P.O. Box 2938, Minneapolis, MN 55402 Telephone No. (612)373-6900

Full Name of joint invento Citizenship; Post Office Address:	r number 1: <u>Padmanabhan Sreenivasan</u> India 1080 Reed Avenue Apariment #49 Sunnyvale, CA 94086	Residence: Sunnyvale, California	
Signature:	Padmanabhan Sreenivasan	Date: 11 29 2001	-
Full Name of joint invento Citizenship: Post Office Address:	r number 2 : <u>Ajît Dandapanî</u> Indîa 35 Sylvian Way Los Altos, CA 94022	Residence: Los Altos, CA	
Signature:	Ajit Dandapani	Date:	_

Amorney Docket No.; 499.057L	19.
Scrial No. 09/811,156	
Filing Onte: March 16, 2001	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Pull Name of joint inver Citizenship: Post Office Address:	ntor number 3: <u>Michael Nishimoto</u> United States of America 1956 Serge Avenue San Jose, CA 95130	Residence: San Jose, CA	
Signature:	Michael Nishimoto	Date:	
Full Name of joint inventional Citizenship: Post Office Address:	ntor number 4: <u>Ira Promanick</u> India 5839 Capilano Drive San Jose, CA 95138	Residence: San Jose, CA	
Signature:	Ira Pramanick	Date:	<u>-</u>
Full Name of joint inve Citizenship: Post Office Address:	united States of America 450 N. Mathilda Apt. U102 Sumnyvale, CA 94086	Residence: Sunnyvale, CA	
Signature:	Manish Verma	Date:	
Full Name of joint inve Citizenship; Post Offica Address:	ntor number 6: Robert David Bradshaw United States of America 276 Huckleberry Drive San Jose, CA 95123	Residence: San Jose, CA	
Signature:	Robert David Bradshaw	Date:	
	Vinchit beant District		_

 $\underline{\mathbf{X}}$ Additional inventors are being named on separately numbered sheets, attached hereto.

NO.608

P.5/905/009

Autoracy Docket No.: 499.0570	12
Serial No. 09/811,158	
Filing Date: March 16, 2001	_

Full Name of joint inven Citizenship: Post Office Address:	United States of America 251 Vista De Sicara Los Gatos, CA 95032	Residence: Los Gatos, CA	•
Signature:	Luca Castellano	Date:	
•			
Full Name of joint inver Citizenship: Post Office Address:	United States of America 1480 Majorca Drive Morgan Hill, CA 95037	Residence: Morgan Hill, CA	
Signature:	Sharad Szivastava	Date:	
Full Name of joint invertible Citizenship: Post Office Address: Signature:	ntor number 9: 'Raghu Mallena India 981 Pinewood Drive San Jose, CA 95129 Raghu Mallena	Residence: San Jose, CA Date:	
	Kaghu Mahena		
Full Name of inventor: Citizenship: Post Office Address:		Residence:	
Signature:		Date:	

Allomey Dockel No.: 499.057US1 Serial No. 09/811,158 Filing Dam: March 16, 2001

§ 1.56 Duty to disclose information material to patentability.

A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

SCHWEGMAN, LUNDBERG.

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- Under this section, information is material to patentability when it is not cumulative to information already of record or being **(b)** made of record in the application, and
 - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prime facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- Individuals associated with the filing or prosecution of a patent application within the meaning of this section are: (c)
 - (1) Each inventor named in the application:
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignce or with anyone to whom there is an obligation to assign the application.
- Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, (d) agent, or inventor,

Schwegman ■ Lundberg ■ Woessner ■ Kluth

United States Patent Application COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

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Attorney Docket No.: 499.057US1 Serial No. 09/811,158 Filing Date: March 16, 2001

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Gortych, Joseph E.	Reg. No. 41,791	Nelson, Albin J.	Reg. No. 28,650
•	•	• • •	•	•	•
Arora, Suneel	Reg. No. 42,267	Haack, John L.	Reg. No. 36,154	Nielsen, Walter W.	Reg. No. 25,539
Beekman, Marvin L.	Reg. No. 38,377	Harris, Robert J.	Reg. No. 37,346	Padys, Danny J.	Reg. No. 35,635
Bianchi, Timothy E.	Reg. No. 39,610	Hill, Stanley K.	Reg. No. 37,548	Parker, J. Kevin	Reg. No. 33,024
Billion, Richard E.	Reg. No. 32,836	Jackson Huebsch, Katharine A.	Reg. No. 47,670	Perdok, Monique M.	Reg. No. 42,989
Black, David W.	Reg. No. 42,331	Jurkovich, Patti J.	Reg. No. 44,813	Peret, Andrew R.	Reg. No. 41,246
Brennan, Leoniede M.	Reg. No. 35,832	Kalis, Janal M.	Reg. No. 37,650	Peterson, David C.	Reg. No. 47,857
Brennan, Thomas F.	Reg. No. 35,075	Klima-Silberg, Catherine I.	Reg. No. 40,052	Prout, William F.	Reg. No. 33,995
Brooks, Edward J., III	Reg. No. 40,925	Kluth, Daniel J.	Reg. No. 32,146	Schumm, Sherry W.	Reg. No. 39,422
Chadwick, Robin A.	Reg. No. 36,477	Lacy, Rodney L.	Reg. No. 41,136	Schwegman, Micheal L.	Reg. No. 25,816
Clark, Barbara J.	Reg. No. 38,107	Lemaire, Charles A.	Reg. No. 36,198	Scott, John C.	Reg. No. 38,613
Clise, Timothy B.	Reg. No. 40,957	LeMoine, Dana B.	Reg. No. 40,062	Smith, Michael G.	Reg. No. 45,368
Crisman, Douglas J.	Reg. No. 39,951	Lundberg, Steven W.	Reg. No. 30,568	Speier, Gary J.	Reg. No. 45,458
Dahl, John M.	Reg. No. 44,639	Maki, Peter C.	Reg. No. 42,832	Steffey, Charles E.	Reg. No. 25,179
Drake, Eduardo E.	Reg. No. 40,594	Malen, Peter L.	Reg. No. 44,894	Stordal, Leif T.	Reg. No. 46,251
Embretson, Janet E.	Reg. No. 39,665	Mates, Robert E.	Reg. No. 35,271	Terry, Kathleen R.	Reg. No. 31,884
Fordenbacher, Paul J.	Reg. No. 42,546	McCrackin, Ann M.	Reg. No. 42,858	Tong, Viet V.	Reg. No. 45,416
Forrest, Bradley A.	Reg. No. 30,837	Moore, Charles L., Jr.	Reg. No. 33,742	Viksnins, Ann S.	Reg. No. 37,748
Gamon, Owen J.	Reg. No. 36,143	Nama, Kash	Reg. No. 44,255	Woessner, Warren D.	Reg. No. 30,440
Gorrie, Gregory J.	Reg. No. 36,530				

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

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P.O. Box 2938, Minneapolis, MN 55402
Telephone No. (612)373-6900

-	or imprisonment, or both, under Section 100 te validity of the application or any patent is:	of Title 18 of the United States Code and that such willful false sued thereon.
Full Name of joint inventor i	number 1: Padmanabhan Sreenivasan	
Citizenship:	India	Residence: Burnaby, Canada
Post Office Address:	4390 Grange Street	
	#1702	
	Burnaby BC V5H 1P6	
	Canada	
Signature:		Date:
•	admanabhan Sreenivasan	·
Full Name of joint inventor i		
Citizenship:	-India → ∪ S Ø	Residence: Los Altos, CA
Post Office Address:	35 Sylvian Way	
Signature:	Los Altos, CA 94022	Date: 8/8/0]
* * A	jit Dandapani	

Attorney Docket No.: 499.057US1 Serial No. 09/811,158 Filing Date: March 16, 2001

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under

knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inve	ntor number 3: Michael Nishimoto		
Citizenship:	United States of America	Residence: San Jose, CA	
Post Office Address:	1956 Serge Avenue		
	San Jose, CA 95130		
Signature:		Date:	
	Michael Nishimoto		
Full Name of joint inve	ntor number 4: Ira Pramanick		
Citizenship:	India	Residence: San Jose, CA	
Post Office Address:	5839 Capilano Drive		
	San Jose, CA 95138		
Signature:		Date:	
	Ira Pramanick		
			_
Full Name of joint inve			
Citizenship:	United States of America	Residence: Sunnyvale, CA	
Post Office Address:	450 N. Mathilda		
	Apt. U102 Sunnyvale, CA 94086		
	Sullity vale, CA 34000		
Signature:	· · · · · · · · · · · · · · · · · · ·	Date:	
	Manish Verma		
Full Name of joint inve	ntor number 6: Robert David Bradshaw		
run ivame of joint mve Citizenship:	United States of America	Residence: San Jose, CA	
Post Office Address:	276 Huckleberry Drive	Residence. San Gose, CA	
	San Jose, CA 95123		
Signature:		Date:	
-	Robert David Bradshaw		
		·	
** * 1 11.1 · · · · · ·			

X Additional inventors are being named on separately numbered sheets, attached hereto.

Filing Date: March 16, 2001

Full Name of joint inven	tor number 7: Luca Castellano		
Citizenship:	United States of America	Residence: Los Gatos, CA	
Post Office Address:	251 Vista De Sierra	,	
	Los Gatos, CA 95032		
	,		
Signature:		Date:	
	Luca Castellano		
Full Name of joint inver	ator number 8 : Sharad Srivastava		
Citizenship:	United States of America	Residence: Morgan Hill, CA	
Post Office Address:	1480 Majorca Drive	residence, ividigan iim, eri	
	Morgan Hill, CA 95037		
Signature:		Date:	
•	Sharad Srivastava		
Full Name of joint inver	ntor number 9 : Raghu Mallena		
Citizenship:	India	Residence: San Jose, CA	
Post Office Address:	981 Pinewood Drive	Residence. San Jose, CA	
1 Ost Office Address.	San Jose, CA 95129		
	bun vose, or vostev		
Signature:		Date:	
	Raghu Mallena		
Full Name of inventor:			
Citizenship:		Residence:	
Post Office Address:	•		
G: .		D .	
Signature:		Date:	

Serial No. 09/811,158 Filing Date: March 16, 2001

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 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

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United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

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P.O. Box 2938, Minneapolis, MN 55402
Telephone No. (612)373-6900

Evil Nama of joint invento	number 1 . Dedmenabhan Sveenivesen	
Full Name of joint invento: Citizenship:	r number 1 : Padmanabhan Sreenivasan India	Residence: Burnaby, Canada
Post Office Address:	4390 Grange Street	Residence. Bui haby, Canada
i ost Office Address.	#1702	
	Burnaby BC V5H 1P6	•
	Canada	
Signature:		Date:
	Padmanabhan Sreenivasan	
Full Name of joint invento	r number 2 : Ajit Dandapani	
Citizenship:	India	Residence: Los Altos, CA
Post Office Address:	35 Sylvian Way	
	Los Altos, CA 94022	
Signature:		Date:
	Ajit Dandapani	



Serial No. 09/811,158 Filing Date: March 16, 2001

Full Name of joint invent Citizenship: Post Office Address:	or number 3: Michael Nishimoto United States of America 1956 Serge Avenue San Jose CA 95130	Residence: San Jose, CA	
Signature:	Michael Nishimoto	Date: 8/10/2001	
Full Name of joint invent Citizenship: Post Office Address:	or number 4: <u>Ira Pramanick</u> India 5839 Capilano Drive San Jose, CA 95138	Residence: San Jose, CA	
Signature:	Ira Pramanick	Date:	
Full Name of joint invent Citizenship: Post Office Address:	or number 5: Manish Verma United States of America 450 N. Mathilda Apt. U102 Sunnyvale, CA 94086	Residence: Sunnyvale, CA	•
Signature:	Manish Verma	Date:	
Full Name of joint invent Citizenship: Post Office Address:	or number 6: Robert David Bradshaw United States of America 276 Huckleberry Drive San Jose, CA 95123	Residence: San Jose, CA	
Signature:	Robert David Bradshaw	Date:	
X Additional inventors ar	e being named on separately numbered sheets,	attached hereto.	

Schwegman ■ Lundberg ■ Woessner ■ Kluth

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: <u>MAINTAINING MEMBERSHIP IN HIGH AVAILABILITY</u>
<u>COMPUTING SYSTEMS</u>

The specification of which was filed on March 16, 2001 as application serial no. 09/811,158.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. §1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Number 60/189,864

Filing Date
March 16, 2000

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Telephone No. (612)373-6900

Full Name of joint invent	or number 1: Padmanabhan Sreenivasan	
Citizenship:	India	Residence: Burnaby, Canada
Post Office Address:	4390 Grange Street	
	#1702	
	Burnaby BC V5H 1P6	
	Canada	
Signature:		Date:
	Padmanabhan Sreenivasan	
Full Name of joint invent	or number 2 : Ajit Dandapani	· ·
Citizenship:	India	Residence: Los Altos, CA
Post Office Address:	35 Sylvian Way	
	Los Altos, CA 94022	
Signature:		Date:

Filing Date: March 16, 2001

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inver Citizenship: Post Office Address:	united States of America 1956 Serge Avenue San Jose, CA 95130	Residence: San Jose, CA	
Signature:	Michael Nishimoto	Date:	
Full Name of joint inver Citizenship: Post Office Address:	ntor number 4: <u>Ira Pramanick</u> India 5839 Capilano Drive San Jose, CA 95138	Residence: San Jose, CA	
Signature:	Ira Pramanick	Date:	
Full Name of joint inver Citizenship: Post Office Address:	ntor number 5: Manish Verma United States of America 450 N. Mathilda Apt. U102 Sunnyvale, CA 94086	Residence: Sunnyvale, CA	·
Signature:	Manish Verma	Date:	
Full Name of joint inver Citizenship: Post Office Address:	utor number 6: Robert David Bradshaw United States of America 276 Huckleberry Drive San Jose, CA 95123	Residence: San Jose, CA	
Signature:	Robert David Bradshaw	Date:	
			_

 \underline{X} Additional inventors are being named on separately numbered sheets, attached hereto.

Attorney Docket No.: 499.057US1 Serial No. 09/811,158 Filing Date: March 16, 2001

Full Name of joint inven Citizenship: Post Office Address:	tor number 7: Luca Castellano United States of America 251 Vista De Sierra Los Gatos, CA 95032	Residence: Los Gatos, CA	
Signature:	Luca Castellano	Date:	
Full Name of joint inven Citizenship: Post Office Address:	tor number 8 : <u>Sharad Srivastava</u> United States of America 1480 Majorca Drive Morgan Hill, CA 95037	Residence: Morgan Hill, CA	
Signature:	Sharad Srivastava	Date:	
Full Name of joint inven Citizenship: Post Office Address:	tor number 9: <u>Raghu Mallena</u> India 981 Pinewood Drive San Jose, CA 95129	Residence: San Jose, CA	
Signature:	Raghu Mallena	Date: 30 Ang 2001	
Full Name of inventor: Citizenship: Post Office Address:		Residence:	
Signature:		Date:	

Serial No. 09/811,158 Filing Date: March 16, 2001

§ 1.56 Duty to disclose information material to patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
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 - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
 - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
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 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application:
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

Filing Date: March 16, 2001

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Citizenship:	India	Residence: Burnaby, Canada
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	Burnaby BC V5H 1P6	
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Attorney Docket No.: 499.057US1 Serial No. 09/811,158 Filing Date: March 16, 2001

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Schwegman ■ Lundberg ■ Woessner ■ Kluth

United States Patent Application

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Attorney Docket No.: 499.057US1 Serial No. 09/811,158 Filing Date: March 16, 2001

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael Arcra, Suncel Beckman, Marvin L. Bianchi, Timothy E. Billion, Richard E. Black, David W. Brennan, Leonicde M. Brennan, Thomas P. Brooks, Edward J., III Chadwick, Robin A. Clark, Barbara J. Clark, Barbara J. Clise, Timothy B. Crisman, Douglas J. Dahl, John M. Drake, Edwardo E. Embretson, Janet E. Fordenbacher, Paul J. Forrest, Bradley A. Gamon, Owen J. Gorrie, Gregory J.	Reg. No. 24,916 Reg. No. 38,377 Reg. No. 38,377 Reg. No. 39,610 Reg. No. 32,836 Reg. No. 42,331 Reg. No. 35,832 Reg. No. 35,832 Reg. No. 40,925 Reg. No. 40,925 Reg. No. 36,477 Reg. No. 38,107 Reg. No. 39,951 Reg. No. 40,957 Reg. No. 44,639 Reg. No. 44,639 Reg. No. 44,639 Reg. No. 42,546 Reg. No. 39,665 Reg. No. 39,665 Reg. No. 30,837 Reg. No. 36,143 Reg. No. 36,530	Gartych, Joseph E. Haack, John L. Harris, Robert J. Harris, Robert J. Harris, Stanley K. lackson Huchsch, Katharine A. Jurkovich, Pairi J. Karis, Janal M. Klima-Silberg, Catherine I. Klutt, Daniel J. Lacy, Rodney L. Leusire, Charles A. Lebdoine, Dana B. Lundberg, Steven W. Maki, Peter C. Malen, Peter L. Mates, Robert E. McCrackin, Ann M. Moore, Charles L., Jr. Name, Kash	Rog. No. 41,791 Reg. No. 36,154 Reg. No. 37,346 Reg. No. 37,548 Reg. No. 47,670 Reg. No. 44,813 Reg. No. 57,650 Reg. No. 40,052 Reg. No. 82,146 Reg. No. 36,198 Reg. No. 36,198 Reg. No. 40,062 Rcg. No. 30,568 Reg. No. 42,832 Reg. No. 42,832 Reg. No. 42,834 Reg. No. 35,271 Reg. No. 42,858 Reg. No. 33,742 Reg. No. 44,255	Nelson, Albin J. Nielsen, Walter W. Padys, Danny J. Parker, J. Kevin Perdok, Monique M. Peret, Andrew R. Petercon, David C. Prout, William F. Schumm, Sherry W. Schwegman, Micheal L. Scott, John C. Smith, Michael G. Speier, Gary J. Steffey, Charles E. Stordal, Leif T. Terry, Kathleen R. Tong, Viet V. Viksning, Arm S. Woessner, Warren O.	Reg. No. 28,650 Reg. No. 25,539 Reg. No. 35,635 Reg. No. 33,024 Reg. No. 42,989 Reg. No. 41,246 Reg. No. 47,857 Reg. No. 33,995 Reg. No. 39,422 Reg. No. 38,613 Reg. No. 25,816 Reg. No. 45,368 Reg. No. 45,458 Reg. No. 45,458 Reg. No. 45,458 Reg. No. 31,884 Reg. No. 45,416 Reg. No. 45,416 Reg. No. 45,416 Reg. No. 45,416 Reg. No. 37,748 Reg. No. 37,748 Reg. No. 37,748
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I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:
P.O. Box 2938, Minneapolis, MN 55402
Telephone No. (612)373-6900

statements máy jeopardize t	the validity of the application or any patent is	sned thereon.	
Full Name of joint inventor		Residence: Sunnyvale, Californía	
Citizenship: Post Office Address:	India 1080 Reed Avenue Apartment #49 Simnyvale, CA 94086	Residence: Sunnyvale, Cambrina	
Signature:	Padmanabhan Sreenivasan	Date:	
Full Name of joint inventor	number 2 : Ajit Dandapani		
Citizenship: Post Office Address:	India 35 Sylvian Way Los Altos, CA 94022	Residence: Los Altos, CA	
Signature.		Date:	
	Ajit Dandapani		

Attorney Dacket No.; 499.057US1 Scriel No. 09/B11,158 Filing Date: March 16, 2001

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inver Citizenship: Post Office Address:	ntor number 3: <u>Michael Nishimoto</u> United States of America 1956 Serge Avenue San Jose, CA 95130	Residence: San Jose, CA	
Signature:	Michael Nishimoto	Date:	
Full Name of joint inven Citizenship: Post Office Address:	ntor number 4: <u>Ira Pramanick</u> India 5839 Capilano Drive San Jose, CA 95138	Residence: San Jose, CA	
Signature:	Ira Pramanick	Date:	·
Full Name of joint inve Citizenship: Post Office Address:	nter number 5: <u>Manish Verma</u> United States of America 450 N. Mathilda Apt. U102 Sumnyvale, CA 94086	Residence: Sunnyvale, CA	_
Signature:	Manish Verma	Date:	
Full Name of joint inve Citizenship: Post Office Address:	ntor number 6: Robert David Bradshaw United States of America 276 Huckleberry Drive San Jose, CA 95123	Residence: San Jose, CA	
Signature:	Robert David Bradshaw	Date:	
			-

 \underline{X} Additional inventors are being named on separately numbered sheets, attached hereto.

) :	:30am	From-	1

Amorney Docker No.: 499.057US	1
Serial No. 09/811,158	
Filing Date: March 16, 2001	_

Full Name of joint invento Citizeuship: Post Office Address:	r number 7: <u>Luca Castellano</u> United States of America 251 Vista De Sierra Los Gatos, CA 95032	Residence: Los Gatos, CA
Signature:	Luca Castellano	Date:
Full Name of joint invento Citizenship: Post Office Address:	United States of America	Residence: Morgan Hill, CA SAN JOSE, CA
Signature: Shurd L	Morgan Hill, CA 95037 2353 GLEN CREEKCT VOS LON JOSE, CA, 95138 Sharad Srivastava	Date: 6 11 29 2001
Full Name of joint invento Citizenship: Post Office Address:	n number 9: <u>Raghu Mallena</u> India 981 Pinewood Drive San Jose, CA 95129	Residence: San Jose, CA
Signature:	Raghu Mallena	Date:
Full Name of inventor: Citizenship: Post Office Address:		Residence:
Signature:	· · · · · · · · · · · · · · · · · · ·	Date:

Attorney Docket No.: 499.057US1 Serial No. 09/811,158 Filing Date: March 16, 2001

§ 1.56 Duty to disclose information material to patentability.

From-

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by \$\frac{8}{5}\$ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
 - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information aheady of record or being made of record in the application, and
 - (1) It establishes, by itself or in combination with other information, a prima facic case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application:
 - (2) Each anomey or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

Schwegman ■ Lundberg ■ Woessner ■ Kluth

United States Patent Application COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: MAINTAINING MEMBERSHIP IN HIGH AVAILABILITY **COMPUTING SYSTEMS**

The specification of which was filed on March 16, 2001 as application serial no. 09/811,158.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. §1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Number 60/189,864

Filing Date

March 16, 2000

I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Filing Date: March 16, 2001

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

	D 31 04016	0	D N 41 701	N. 1 A.11 . 7	D 11 20 (50
Anglin, J. Michael	Reg. No. 24,916	Gortych, Joseph E	Reg. No. 41,791	Nelson, Albin J.	Reg. No. 28,650
Arora, Suneel	Reg. No. 42,267	Haack, John L.	Reg. No. 36,154	Nielsen, Walter W.	Reg. No. 25,539
Beekman, Marvin L.	Reg. No. 38,377	Harris, Robert J.	Reg. No. 37,346	Padys, Danny J.	Reg. No. 35,635
Bianchi, Timothy E.	Reg. No. 39,610	Hill, Stanley K.	Reg. No. 37,548	Parker, J. Kevin	Reg. No. 33,024
Billion, Richard E.	Reg. No. 32,836	Jackson Huebsch, Katharine A.	Reg. No. 47,670	Perdok, Monique M.	Reg. No. 42,989
Black, David W.	Reg. No. 42,331	Jurkovich, Patti J.	Reg. No. 44,813	Peret, Andrew R.	Reg. No. 41,246
Brennan, Leoniede M.	Reg. No. 35,832	Kalis, Janal M.	Reg. No. 37,650	Peterson, David C.	Reg. No. 47,857
Brennan, Thomas F.	Reg. No. 35,075	Klima-Silberg, Catherine I.	Reg. No. 40,052	Prout, William F.	Reg. No. 33,995
Brooks, Edward J., III	Reg. No. 40,925	Kluth, Daniel J.	Reg. No. 32,146	Schumm, Sherry W.	Reg. No. 39,422
Chadwick, Robin A.	Reg. No. 36,477	Lacy, Rodney L.	Reg. No. 41,136	Schwegman, Micheal L.	Reg. No. 25,816
Clark, Barbara J.	Reg. No. 38,107	Lemaire, Charles A.	Reg. No. 36,198	Scott, John C.	Reg. No. 38,613
Clise, Timothy B.	Reg. No. 40,957	LeMoine, Dana B.	Reg. No. 40,062	Smith, Michael G.	Reg. No. 45,368
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Drake, Eduardo E.	Reg. No. 40,594	Malen, Peter L.	Reg. No. 44,894	Stordal, Leif T.	Reg. No. 46,251
Embretson, Janet E.	Reg. No. 39,665	Mates, Robert E.	Reg. No. 35,271	Terry, Kathleen R.	Reg. No. 31,884
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Forrest, Bradley A.	Reg. No. 30,837	Moore, Charles L., Jr.	Reg. No. 33,742	Viksnins, Ann S.	Reg. No. 37,748
Gamon, Owen J.	Reg. No. 36,143	Nama, Kash	Reg. No. 44,255	Woessner, Warren D.	Reg. No. 30,440
Gorrie, Gregory J.	Reg. No. 36,530				

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/ firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below: P.O. Box 2938, Minneapolis, MN 55402 Telephone No. (612)373-6900

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so

	the validity of the application or any patent iss	1 of Title 18 of the United States Code and that such willful false ued thereon.
Citizenship:	India	Residence: Burnaby, Canada
Post Office Address:	4390 Grange Street #1702 Burnaby BC V5H 1P6 Canada	
Signature:		Date:
_	Padmanabhan Sreenivasan	
Full Name of joint inventor	number 2 : Ajit Dandapani	
Citizenship: Post Office Address:	India 35 Sylvian Way Los Altos, CA 94022	Residence: Los Altos, CA
Signature:		Date:
	Ajit Dandapani	•

Serial No. 09/811,158 Filing Date: March 16, 2001

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor no Citizenship: Post Office Address:	umber 3: Michael Nishimoto United States of America 1956 Serge Avenue San Jose, CA 95130	Residence: San Jose, CA	
Signature:M	ichael Nishimoto	Date:	
Full Name of joint inventor not Citizenship: Post Office Address:	umber 4: <u>Ira Pramanick</u> India 5839 Capilano Drive San Jose, CA 95138	Residence: San Jose, CA	
Signature:Ira	a Pramanick	Date:	· · · · · · · · · · · · · · · · · · ·
Full Name of joint inventor m Citizenship: INDIF Post Office Address:		Residence: Sunnyvale, CA	
Signature: Man		Date: Aug 24, 2001	
Full Name of joint inventor no Citizenship: Post Office Address:	umber 6: Robert David Bradshaw United States of America 276 Huckleberry Drive San Jose, CA 95123	Residence: San Jose, CA	
Signature:Ro	obert David Bradshaw	Date:	
		· · · · · · · · · · · · · · · · · · ·	

X Additional inventors are being named on separately numbered sheets, attached hereto.

Serial No. 09/811,158 Filing Date: March 16, 2001

Full Name of joint inver Citizenship: Post Office Address:	United States of America 251 Vista De Sierra Los Gatos, CA 95032	Residence: Los Gatos, CA	
Signature:	Luca Castellano	Date:	
Full Name of joint inver Citizenship: Post Office Address:	ntor number 8: Sharad Srivastava United States of America 1480 Majorca Drive Morgan Hill, CA 95037	Residence: Morgan Hill, CA	
Signature:	Sharad Srivastava	Date:	
Full Name of joint inver Citizenship: Post Office Address: Signature:	ntor number 9 : <u>Raghu Mallena</u> India 981 Pinewood Drive San Jose, CA 95129	Residence: San Jose, CA Date:	
	Raghu Mallena		
Full Name of inventor: Citizenship: Post Office Address:		Residence:	
Signature:		Date:	

Filing Date: March 16, 2001

§ 1.56 Duty to disclose information material to patentability.

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 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

Schwegman ■ Lundberg ■ Woessner ■ Kluth

United States Patent Application COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: MAINTAINING MEMBERSHIP IN HIGH AVAILABILITY **COMPUTING SYSTEMS**

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Application Number Filing Date 60/189,864 March 16, 2000

I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Attorney Docket No.: 499.057US1 Serial No. 09/811,158 Filing Date: March 16, 2001

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Black, David W.	Reg. No. 42,331	Jurkovich, Patti J.	Reg. No. 44,813	Peret, Andrew R.	Reg. No. 41,246
Brennan, Leoniede M.	Reg. No. 35,832	Kalis, Janal M.	Reg. No. 37,650	Peterson, David C.	Reg. No. 47,857
Brennan, Thomas F.	Reg. No. 35,075	Klima-Silberg, Catherine I.	Reg. No. 40,052	Prout, William F.	Reg. No. 33,995
Brooks, Edward J., III	Reg. No. 40,925	Kluth, Daniel J.	Reg. No. 32,146	Schumm, Sherry W.	Reg. No. 39,422
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Clark, Barbara J.	Reg. No. 38,107	Lemaire, Charles A.	Reg. No. 36,198	Scott, John C.	Reg. No. 38,613
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Embretson, Janet E.	Reg. No. 39,665	Mates, Robert E.	Reg. No. 35,271	Terry, Kathleen R.	Reg. No. 31,884
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Forrest, Bradley A.	Reg. No. 30,837	Moore, Charles L., Jr.	Reg. No. 33,742	Viksnins, Ann S.	Reg. No. 37,748
Gamon, Owen J.	Reg. No. 36,143	Nama, Kash	Reg. No. 44,255	Woessner, Warren D.	Reg. No. 30,440
Gorrie, Gregory J.	Reg. No. 36,530		-		-

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:
P.O. Box 2938, Minneapolis, MN 55402
Telephone No. (612)373-6900

•	e the validity of the application or any patent iss	
Full Name of joint invente	or number 1: Padmanabhan Sreenivasan	
Citizenship:	India	Residence: Burnaby, Canada
Post Office Address:	4390 Grange Street	
	#1702	
	Burnaby BC V5H 1P6	
•	Canada	
Signature:		Date:
	Padmanabhan Sreenivasan	
Full Name of joint invente	or number 2 : Ajit Dandapani	
Citizenship:	India	Residence: Los Altos, CA
Post Office Address:	35 Sylvian Way	
	Los Altos, CA 94022	
Signature:		Date:
-	Ajit Dandapani	

Filing Date: March 16, 2001

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inven Citizenship: Post Office Address:	tor number 3: Michael Nishimoto United States of America 1956 Serge Avenue San Jose, CA 95130	Residence: San Jose, CA	
Signature:	Michael Nishimoto	Date:	
Full Name of joint inven Citizenship: Post Office Address:	tor number 4 : <u>Ira Pramanick</u> India 5839 Capilano Drive San Jose, CA 95138	Residence: San Jose, CA	
Signature:	Ira Pramanick	Date:	·· ·
Full Name of joint inven Citizenship: Post Office Address:	tor number 5: Manish Verma United States of America 450 N. Mathilda Apt. U102 Sunnyvale, CA 94086	Residence: Sunnyvale, CA	
Signature:	Manish Verma	Date:	
Full Name of joint inven Citizenship: Post Office Address:	tor number 6: Robert David Bradshav United States of America 276 Huckleberry Drive San Jose, CA 95123	v Residence: San Jose, CA	
Signature:	Robert David Bradshaw	Date: 8/29/2001	

X Additional inventors are being named on separately numbered sheets, attached hereto.

Serial No. 09/811,158 Filing Date: March 16, 2001

Full Name of joint invent	or number 7: Luca Castellano		
Citizenship:	United States of America	Residence: Los Gatos, CA	
Post Office Address:	251 Vista De Sierra		
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Signature:		Date:	- W
	Luca Castellano		
Full Name of joint invent	or number 8 : Sharad Srivastava		
Citizenship:	United States of America	Residence: Morgan Hill, CA	
Post Office Address:	1480 Majorca Drive Morgan Hill, CA 95037		
Signature:		Date:	
	Sharad Srivastava		
Full Name of joint invent	or number 9: Raghu Mallena		
Citizenship:	India	Residence: San Jose, CA	
Post Office Address:	981 Pinewood Drive San Jose, CA 95129		
Signature:		Date:	and the state of t
	Raghu Mallena		
Full Name of inventor:		70.11	
Citizenship: Post Office Address:		Residence:	
Signature:		Date:	
<i>J.</i>			

Serial No. 09/811,158 Filing Date: March 16, 2001

§ 1.56 Duty to disclose information material to patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
 - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
 - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application:
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

Schwegman ■ Lundberg ■ Woessner ■ Kluth

United States Patent Application COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: MAINTAINING MEMBERSHIP IN HIGH AVAILABILITY **COMPUTING SYSTEMS**

The specification of which was filed on March 16, 2001 as application serial no. 09/811,158.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. §1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Number 60/189,864

Filing Date March 16, 2000

I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Serial No. 09/811,158 Filing Date: March 16, 2001

Full Name of joint inven	tor number 7: Luca Castellano		
Citizenship: Post Office Address:	United States of America 251 Vista De Sierra Los Gatos, CA 95032	Residence: Los Gatos, CA	
Signature:	Luca Castellano	Date:	
	Luca Castenano		•
Full Name of joint inven			
Citizenship: Post Office Address:	United States of America 1480 Majorca Drive Morgan Hill, CA 95037	Residence: Morgan Hill, CA	
Signature:		Date:	
	Sharad Srivastava		
Full Name of joint inven Citizenship: Post Office Address:	tor number 9 : <u>Raghu Mallena</u> India 981 Pinewood Drive	Residence: San Jose, CA	•
Fost Office Address.	San Jose, CA 95129		
Signature:		Date:	
	Raghu Mallena		
Full Name of inventor: Citizenship: Post Office Address:		Residence:	
Signature:		Date:	

Filing Date: March 16, 2001

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Schwegman ■ Lundberg ■ Woessner ■ Kluth

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Serial No. 09/811,158 Filing Date: March 16, 2001

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Gortych, Joseph E.	Reg. No. 41,791	Nelson, Albin J.	Reg. No. 28,650
Arora, Suneel	Reg. No. 42,267	Haack, John L.	Reg. No. 36,154	Nielsen, Walter W.	Reg. No. 25,539
Beekman, Marvin L.	Reg. No. 38,377	Harris, Robert J.	Reg. No. 37,346	Padys, Danny J.	Reg. No. 35,635
Bianchi, Timothy E.	Reg. No. 39,610	Hill, Stanley K.	Reg. No. 37,548	Parker, J. Kevin	Reg. No. 33,024
Billion, Richard E.	Reg. No. 32,836	Jackson Huebsch, Katharine A.	Reg. No. 47,670	Perdok, Monique M.	Reg. No. 42,989
Black, David W.	Reg. No. 42,331	Jurkovich, Patti J.	Reg. No. 44,813	Peret, Andrew R.	Reg. No. 41,246
Brennan, Leoniede M.	Reg. No. 35,832	Kalis, Janal M.	Reg. No. 37,650	Peterson, David C.	Reg. No. 47,857
Brennan, Thomas F.	Reg. No. 35,075	Klima-Silberg, Catherine I.	Reg. No. 40,052	Prout, William F.	Reg. No. 33,995
Brooks, Edward J., III	Reg. No. 40,925	Kluth, Daniel J.	Reg. No. 32,146	Schumm, Sherry W.	Reg. No. 39,422
Chadwick, Robin A.	Reg. No. 36,477	Lacy, Rodney L.	Reg. No. 41,136	Schwegman, Micheal L.	Reg. No. 25,816
Clark, Barbara J.	Reg. No. 38,107	Lemaire, Charles A.	Reg. No. 36,198	Scott, John C.	Reg. No. 38,613
Clise, Timothy B.	Reg. No. 40,957	LeMoine, Dana B.	Reg. No. 40,062	Smith, Michael G.	Reg. No. 45,368
Crisman, Douglas J.	Reg. No. 39,951	Lundberg, Steven W.	Reg. No. 30,568	Speier, Gary J.	Reg. No. 45,458
Dahl, John M.	Reg. No. 44,639	Maki, Peter C.	Reg. No. 42,832	Steffey, Charles E.	Reg. No. 25,179
Drake, Eduardo E.	Reg. No. 40,594	Malen, Peter L.	Reg. No. 44,894	Stordal, Leif T.	Reg. No. 46,251
Embretson, Janet E.	Reg. No. 39,665	Mates, Robert E.	Reg. No. 35,271	Terry, Kathleen R.	Reg. No. 31,884
Fordenbacher, Paul J.	Reg. No. 42,546	McCrackin, Ann M.	Reg. No. 42,858	Tong, Viet V.	Reg. No. 45,416
Forrest, Bradley A.	Reg. No. 30,837	Moore, Charles L., Jr.	Reg. No. 33,742	Viksnins, Ann S.	Reg. No. 37,748
Gamon, Owen J.	Reg. No. 36,143	Nama, Kash	Reg. No. 44,255	Woessner, Warren D.	Reg. No. 30,440
Gorrie, Gregory J.	Reg. No. 36,530		•		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/ firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below: P.O. Box 2938, Minneapolis, MN 55402 Telephone No. (612)373-6900

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so

Full Name of joint inventor	number 1: Padmanabhan Sreenivasan	
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Signature:		Date:
:	Padmanabhan Sreenivasan	
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•	Ajit Dandapani	

Serial No. 09/811,158 Filing Date: March 16, 2001

Full Name of joint inver Citizenship: Post Office Address:	ntor number 3: Michael Nishimoto United States of America 1956 Serge Avenue San Jose, CA 95130	Residence: San Jose, CA		
Signature:	Michael Nishimoto	Date:		
Full Name of joint inver	ntor number 4 : <u>Ira Pramanick</u>			
Citizenship: Post Office Address:	India 5839 Capilano Drive San Jose, CA 95138	Residence: San Jose, CA		
Signature:	Ire Premanick	Date: 11-16-2001		
Full Name of joint inver Citizenship: Post Office Address:	ntor number 5: Manish Verma United States of America 450 N. Mathilda Apt. U102 Sunnyvale, CA 94086	Residence: Sunnyvale, CA		
Signature:	Manish Verma	Date:		
Full Name of joint inver Citizenship: Post Office Address:	ntor number 6: Robert David Bradshaw United States of America 276 Huckleberry Drive San Jose, CA 95123	Residence: San Jose, CA		
Signature:		Date:		
	Robert David Bradshaw	· · · · · · · · · · · · · · · · · · ·		
X Additional inventors-	are-being named on separately numbered sheets	attached hereto.		

Filing Date: March 16, 2001

Full Name of joint inventitions of the Citizenship: Post Office Address:	ntor number 7: Luca Castellano United States of America 251 Vista De Sierra Los Gatos, CA 95032	Residence: Los Gatos, CA	
Signature:	Luca Castellano	Date:	
Full Name of joint inver Citizenship: Post Office Address:	ntor number 8: Sharad Srivastava United States of America 1480 Majorca Drive Morgan Hill, CA 95037	Residence: Morgan Hill, CA	
Signature:	Sharad Srivastava	Date:	
Full Name of joint inver Citizenship: Post Office Address:	ntor number 9: <u>Raghu Mallena</u> India 981 Pinewood Drive San Jose, CA 95129	Residence: San Jose, CA	
Signature:	Raghu Mallena	Date:	
Full Name of inventor: Citizenship: Post Office Address:		Residence:	
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